

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MAURICE TURNER,	:	
	:	
Petitioner,	:	Civ. No. 18-17384 (FLW)
	:	
v.	:	
	:	
WARDEN et al.,	:	MEMORANDUM AND ORDER
	:	
Respondents.	:	
	:	

Petitioner is a state prisoner proceeding by counsel with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Pet., ECF No. 1.) On January 18, 2019, the Court ordered Respondents to answer the petition or move to dismiss on timeliness grounds within 45 days. (ECF No. 3.) Counsel for Respondents now requests an extension of time to answer or move for dismissal based on erroneous electronic service of the Court's prior order. (ECF No. 6.) This request is GRANTED.

Accordingly, IT IS, on this 26th day of February 2019,

ORDERED that Respondents shall file an answer to the Petition or a motion to dismiss on timeliness grounds, in accord with all provisions of the Court's prior Memorandum and Order, (ECF No. 3), within forty-five (45) days of the date this Memorandum and Order is filed; and it is further

ORDERED that if a motion to dismiss is filed, Petitioner shall have thirty (30) days to file an opposition brief, in which Petitioner may argue any bases for statutory and/or equitable tolling, and to which Petitioner may attach any relevant exhibits; and it is further

ORDERED that if Petitioner files an opposition, Respondents shall have ten (10) days to file a reply brief; and it is further

ORDERED that if the motion to dismiss is subsequently denied, the Court will then direct Respondents to file a full and complete answer to all claims; and it is further

ORDERED that Petitioner may file and serve a reply to Respondents' answer within forty-five (45) days after its filing, *see* Rule 5(e) of Rules Governing § 2254 Cases; and it is further

ORDERED that, within seven (7) days after any change in Petitioner's custody status, be it release or otherwise, Respondents shall electronically file a written notice of the same with the Clerk of the Court.

/s/ Freda L. Wolfson
FREDA L. WOLFSON
United States District Judge